WP(C) 6034/2006
BEFORE
THE HON'BLE MR JUSTICE T.N.K. SINGH

Heard Mr. D.R. Gogoi, learned counsel appearing for the petitioners , Mr T Islam, learned Standing counsel appearing for the respondent Nos 1,2 and 4 and Mr. T.C. Chutia, learned counsel for the Respondent No.6.

By this writ petition, seven petitioners in number praying for a writ in the nature of mandamus and/or any other direction asking the respondents to declare the results of the pre final examination, 2006 and permit them to appear the H.S.L.C. Examination, 2007.

The facts of the petitioners' case are very short and simple. The petitioners who are eligible for appearing the pre final examination for the academic session 2006 appeared before the pre final examination, 2006 conducted by the Dibrugarh District Academic Council for the selecting the students or for allowing them to seat in the ensuing H.S.L.C. Examination, 2007. It is stated that the said pre final examination 2006 conducted by the Dibrugarh District Academic Council was held from 3.11.06 to 13.11.06. It is stated that the results of the pre final examination ,2006 conducted by the Dibrugarh District Academic Council held from 3.11.06 to 13.11.06 was declared on 25.11.06.

In the result sheets published on 25.11.06, the names of the petitioners are included neither as failed candidate nor as successful candidate. Being aggrieved by the manner in which the Dibrugarh District Academic Council conducted the said pre final examination 2006 and also the non declaration of the results of the said examination, so far as the petitioners are concerned in the said results published on 25.11.06.

As ordered by this court, the answer scripts of the petitioners for the said pre final examination of 2006 conducted by the Dibrugarh District Academic Council were produced by the respondent No.4 i.e Inspector of Schools, Dibrugarh District Academic Council, Dibrugarh before this Court for perusal. It is also the admitted case of all the learned counsels for the parties that the Inspector of Schools, Dibrugarh District Academic Council is the Chairman of the Selection Committee or Examination Committee for the pre final examination, 2006 conducted by the Dibrugarh District Academic Council from 3.11.06 to 13.11.06.

The respondent No.4, Inspector of Schools, Dibrugarh District Academic Council, Dibrugarh also filed his affidavit in opposition in the present writ petition. In Para 6 of the affidavit in opposition, the Inspector of Schools, Dibrugarh District Academic Council stated that the meeting of Dibrugarh District Screening Committee was held on 21.11.06 at the Chamber of the deponent and it was chaired by the deponent. After threadbare discussion, the Committee adopted the certain norms for allowing the institutional pupils and non-institutional pupils to sit for the H.S.L.C. Examination, 2007. Such decision was taken in pursuance of the scheme circulated by the Board of Secondary Education, Assam (SEBA). The norms adopted are as follows :

i. A candidate must secure an aggregate of 160 marks.
ii. A candidate must not fail in more than 3(three) subjects.
iii. No Grace Marks would be awarded to any candidate

A copy of the proceeding of the Dibrugarh District Screening Committee meeting which was held on 21.11.06 at the Chamber of the Inspector of Schools, Dibrugarh District Circle, Dibrugarh is annexed as Annexure R/2 to the affidavit in opposition filed by the respondent No.4 i.e Inspector of Schools, Dibrugarh Circle, Dibrugarh. For easy reference, the proceeding of the meeting of the Screening Committee (Annexure R/2 of the affidavit in opposition) is quoted hereunder:

PRE-FINAL EXAMINATION, 2006

Proceedings of the meeting of the Screening Committee.

The sitting of the Screening Committee for the Pre-final Examination' 06 held on this day the 21st of November, 2006 at the Chamber of the Inspector of Schools, Dibrugarh District Circle and Chaired by Sri R.K. Hazarika, I/S, DDC, after thread bare discussion adopted the following norms for allowing the I.P. and N.I.P candidates to sit for the H.S.L.C. Examination, 2007.

1. A candidate must secure an aggregate of 160 marks
2. A candidate must not fail in more than three subjects
3. No grace marks will be awarded to any candidate.

Members present:

1. Sd/- Illegible, 21.11.06
2. Sd/ Illegible, 21.11.06
3. Sd/ Illegible, 21.11.06
4. Sd/ Illegible, 21.11.06

Approved
Sd/- Illegible
21.11.06 .

As stated above, after the answer scripts of the petitioners were produced before this Court, the learned counsel appearing for the petitioner as well as learned counsel appearing for the respondents are allowed to see the answer scripts of the petitioner. After seeing the answer scripts of the petitioners, the petitioners filed the reply-affidavit dated 18.1.07. In the reply affidavit of the petitioners, respective the marks obtained by the petitioners in the said pre final examination , 2007 conducted by the Dibrugarh District Academic Council from 3.11.06 to 13.11.06 are mentioned in a tabulation which is annexed as Annexure A-1 to the affidavit reply filed by the petitioner. The respondents did not file any affidavit denying the respective marks obtained by the petitioners mentioned in the reply affidavit filed by the petitioners dated 18.1.07.

In course of hearing of the present writ petition, learned counsel appearing for the respondents also submit that the marks obtained by the petitioners in the said examination mentioned in their reply affidavit are correct.

From the perusal of the respective marks obtained by the petitioners , it is clear that the petitioner No.3 Tushar Chanda, petitioner No.5- Sabri Khan, petitioner No. 6-Gyan Chandra Bhagat, petitioner No. 9- Abdul Wahid and petitioner No. 10-Jublee Das had secured more than 160 marks and failed only in 3(three) , 0(NIL), 2(two), 1(one), 3(three) subjects respectively. This being the situation, they are the successful students in the pre final examination, 2006 conducted by the Dibrugarh District Academic Council from 3.11.06 to 13.11.06 as per the norms followed by the Screening Committee and/or Dibrugarh District Academic Council for allowing the students to sit for the H.S.L.C. Examination, 2007.

For the reasons discussed above, the writ petition is allowed and the Petitioner Nos. 3, 5, 6, 9 and 10 will fill up the forms and submit the same within 4 days from today whereafter the respondent Nos. 4 and 6 will promptly dispatch the forms to the Board within 4 days along with the fees.